

REMARKS**Status of the Claims**

Claims 1, 3, 5-7, and 25-32 are currently present in the Application, and claims 1, 25, and 29 are independent claims. Claim 1 has been amended, claims 21-22 have been canceled, and claims 25-32 have been added in this response.

Applicants are not conceding that the subject matter encompassed by claims 1-24, prior to this and previous amendments, is not patentable over the art cited by the Examiner. Claim 1 was amended and claims 21-22 were canceled in this response solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-24 as presented prior to this and previous amendments, and additional claims in one or more continuing applications.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 21, and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 21-22 have been canceled in this response and, therefore, rejections to these claims are moot. Independent claim 1 has been amended in this response accordingly and Applicants request the removal of the 112 rejection to claim 1 in the next Office communication.

Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103

Claims 1, 3, 5-7, and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Corral (U.S. Patent Pub. 2003/0188290, hereinafter “Corral”) in view of Nandigama, et al. (U.S. Patent Pub. 2004/0010441, hereinafter “Nandigama”) in view of Vouk (“Software Reliability Engineering,” hereinafter “Vouk”) in view of Mendonca, et al. (“Validation of an Approach for Improving Existing Measurement Frameworks,” hereinafter “Mendonca”). Applicants respectfully traverse these rejections. Claims 21-

22 have been canceled in this response and, therefore, rejections to these claims are moot.

Applicants have amended independent claim 1 to further describe generating a number of different phase goals for each product phase based upon a common metric's weighted priority. Support for such amendment may be found in Applicants' specification on page 13, line 25 through page 14, line 13 and page 16, line 10 through page 17, line 18. Therefore, no new matter is added with such amendment. As amended, independent claim 1 is a computer-implemented method with limitations comprising:

- identifying a plurality of product phases that correspond to a product lifecycle;
- selecting a common metric from a plurality of common metrics, wherein the selected common metric is applicable to each of the plurality of product phases;
- identifying a weighted priority of the selected common metric;
- determining a number of phase goals in which to generate based upon the priority of the selected common metric;
- for each of the plurality of product phases, utilizing a processor to generate the number of phase goals for the selected common metric, resulting in a different group of phase goals for each of the plurality of product phases;
- applying the different group of phase goals for each of the plurality of product phases to their corresponding plurality of product phases; and
- executing each of the plurality of product phases using their corresponding different group of phase goals.

Applicants determine a number of phase goals in which to generate based upon the priority of a selected common metric. Next, Applicants generate the number of phase goals for each product phase, which results in a different group of phase goals for each product phase. For example, if a common metric "reliability" has a high weighted priority value, a large amount of "reliability-related" phase goals may be generated for each product phase. In this example, phase goals for a "product test"

phase may include specific tests that include extensive test conditions to measure the performance and durability of the product.

In contrast, Nandigama teaches that 1) goals are generated first; 2) questions are then applied to the goals; and 3) metrics are then applied to the questions. Nandigama does not teach the generation of a certain number of phase goals based upon a weighted priority of a common metric as claimed by Applicants but, instead, assigns a question relevancy factor that indicates a degree of relevance for goals related to questions. Nandigama states:

“The program instructions for identifying questions include program instructions for assigning a question relevancy factor to each of the questions indicating a degree of relevance with each of the goals related to the questions.” (para. 13)

As can be seen from the above excerpt, Nandigama never teaches or suggests generating a particular number of phase goals based upon a common metric’s weighted priority, but rather tracks a degree of relevance for particular phase goals. As a result, Nandigama never teaches or suggests *“determining a number of phase goals in which to generate based upon the priority of the selected common metric; and for each of the plurality of product phases, utilizing a processor to generate the number of phase goals for the selected common metric, resulting in a different group of phase goals for each of the plurality of product phases”* as claimed by Applicants.

Regarding Mendonca, Mendonca teaches essentially the same approach as Nandigama to generate questions for “an organization,” but does not teach the generation of a number of phase goals for each of a plurality of product phases. Mendonca states:

“The GQM paradigm first step is to define measurement goals tailored to the specific needs of an organization. Goals are refined in an operational, tractable way, into a set of quantifiable questions. Questions, in turn imply a specific set of metrics and data for collection.” (page 485)

As can be seen from the above excerpt, Mendonca teaches the generation of questions based upon goals for an organization, but never teaches or suggests *“for each of the plurality of product phases, utilizing a processor to generate a number of”*

phase goals for the selected common metric, resulting in a different group of phase goals for each of the plurality of product phases” as claimed by Applicants. The Office Action does not suggest that Corral or Vouk teach such limitations and, indeed, neither Corral nor Vouk teach such limitations.

Therefore, since Corral, Nandigama, Vouk, or Mendonca do not teach or suggest, either alone or in combination with each other, all the limitations included in Applicants’ claim 1 as amended, amended claim 1 is allowable over Corral in view of Nandigama in view of Vouk in view of Mendonca.

Each of claims 3 and 5-7 each depend, either directly or indirectly, upon allowable independent claim 1. Therefore, each of claims 3 and 5-7 are allowable for at least the same reasons that claim 1 is allowable over Corral in view of Nandigama in view of Vouk in view of Mendonca as discussed above.

New Claims

Applicants have added new claims 25-32 in this response. Claims 25-28 are information handling system claims that include at least the same limitations as those found in claims 1, 3, and 5-7, respectively. Support for Applicants’ information handling system limitations may be found in Applicants’ specification on page 17, line 19 through page 19, line 14 and, therefore, no new matter is added with such addition of claims 25-28. Claims 29-32 are computer program product claims that include at least the same limitations as those found in claims 1, 3, and 5-7, respectively. Support for Applicants’ computer program product limitations may be found in Applicants’ specification on page 19, line 15 through page 20, line 2 and, therefore, no new matter is added with such addition of claims 29-32.

Independent claim 25 is an information handling system claim that includes limitations similar to those found in independent claim 1 and, therefore, is allowable for at least the same reasons that independent claim 1 is allowable as discussed above. Independent claim 29 is a computer program product claim that includes limitations similar to those found in independent claim 1 and, therefore, is allowable for at least the same reasons that independent claim 1 is allowable as discussed above. Each of

claims 26-28 and 30-32 depend upon one of allowable independent claims 25 or 29. Therefore, each of claims 26-28 and 30-32 are allowable for at least the same reasons that their respective independent claims are allowable as discussed above.

Conclusion

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By /Leslie A. Van Leeuwen, Reg. No. 42,196/
Leslie A. Van Leeuwen, Reg. No. 42,196
Van Leeuwen & Van Leeuwen
Attorney for Applicants
Telephone: (512) 301-6738
Facsimile: (512) 301-6742